

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
WESTERN DIVISION**

CITY OF ROCKFORD, et al.,

Plaintiffs,

v.

MALLINCKRODT ARD, INC., et al.,

Defendants.

Case No. 3:17-cv-50107

Hon. Frederick J. Kapala,
Judge

Hon. Iain D. Johnston,
Magistrate Judge

Oral Argument Requested

**DECLARATION OF MATTHEW M. MARTINO
IN SUPPORT OF DEFENDANTS EXPRESS SCRIPTS
HOLDING COMPANY'S, EXPRESS SCRIPTS, INC.'S,
CURASCIPT, INC.'S, ACCREDO HEALTH GROUP, INC.'S,
AND UNITED BIOSOURCE CORPORATION'S MOTION TO DISMISS**

I, MATTHEW M. MARTINO, declare as follows:

I, Matthew M. Martino, am a partner at the law firm of Skadden, Arps, Slate, Meagher & Flom LLP, counsel of record for Defendants Express Scripts Holding Company, Express Scripts, Inc., CuraScript, Inc., Accredo Health Group, Inc., and United BioSource Corporation in this action. I have personal knowledge of the facts set forth in this declaration and if necessary, could testify competently thereto.

I make this declaration in support of Defendants Express Scripts Holding Company's, Express Scripts, Inc.'s, CuraScript, Inc.'s, Accredo Health Group, Inc.'s, and United BioSource Corporation's Motion to Dismiss and for purposes of transmitting to the Court a true and correct copy of the attached document.

The following document is a true and correct copy of a document cited in the Memorandum of Law in Support of Defendants Express Scripts Holding Company's, Express

Scripts, Inc.'s, CuraScript, Inc.'s, Accredo Health Group, Inc.'s, and United BioSource Corporation's Motion to Dismiss that is not otherwise in the record:

Exhibit 1: Express Scripts, Inc. Pharmacy Benefit Management Agreement

I declare under penalty of perjury of the laws of the United States of America that the foregoing is true and correct. Executed on January 22, 2018, at New York, NY.

/s/ Matthew M. Martino

Matthew M. Martino (admitted *pro hac vice*)
SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP
Four Times Square
New York, NY 10036
Telephone: (212) 735-3000
Facsimile: (212) 735-2000
matthew.martino@skadden.com

Counsel for Defendants Express Scripts Holding Company, Express Scripts, Inc., CuraScript, Inc., Accredo Health Group, Inc., and United BioSource Corporation

CERTIFICATE OF SERVICE

I hereby certify that on January 22, 2018, a true and correct copy of the foregoing document was electronically filed with the Clerk of Court using the CM/ECF system, which will send notification of such filing to all counsel of record.

/s/ Matthew M. Martino